

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GUILLERMO LOPEZ CRUZ

an individual,

Hon
Case No.

Plaintiff,

v.

LITTLE SAIGON PLAZA LLC

d/b/a SAIGON MARKET

a Domestic Limited Liability Company,

LU QUACH

an individual, jointly and severally

Defendants

AVANTI LAW GROUP, PLLC Robert Anthony Alvarez (P66954) Attorneys for Plaintiff 600 28th St. SW Wyoming, MI 49509 (616) 257-6807 ralvarez@avantilaw.com	
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**There is a pending civil action in this Court arising out of the transaction or occurrence
alleged in the Complaint . Case No. 1:23-cv-0033**

PLAINTIFF'S ORIGINAL COMPLAINT AND JURY DEMAND

NOW COMES Plaintiff, by and through his attorneys at the Avanti Law Group, PLLC, and in his Original Complaint states as follows:

1. This is a civil action brought on behalf of Plaintiff to recover for Defendants' willful and knowing violation of the Fair Labor Standards Act (FLSA), 29 U.S.C. §201 *et seq.* Specifically, Defendant retaliated against Plaintiff for his filing of a complaint for wage theft filed on April 3, 2023 in this Court - Case No. 1:23-cv-00333 (Wage Theft Action).

2. Plaintiff seeks a declaration that his rights were violated, and that he be awarded back pay, liquidated damages, and an award of attorney's fees and costs.

JURISDICTION AND VENUE

3. This Court has federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331 and Section 16(b) of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b).
4. Defendant LSP is and was at all times relevant incorporated in the State of Michigan and has a principal place of business located in Kentwood, Michigan within the United States Judicial District of the Western District of Michigan.
5. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because the actions and omissions giving rise to the claims pled in this Complaint occurred in this District.

PARTIES

6. Plaintiff Guillermo Lopez Cruz is an individual who at all times relevant to this complaint resided in the County of Kent, State of Michigan.
7. Defendant Little Saigon Plaza, LLC (referred to as "LSP") is a domestic limited liability company whose registered office is located at 2976 Union Ct. Se Kentwood, Michigan 49548 that does business as Saigon Market.
8. Defendant LSP is an International Grocery Store.
9. Defendant Lu Quach at all relevant times to this complaint was and is the owner of LSP.
10. Defendants employed Plaintiff within the meaning of 29 U.S.C. § 203(g).

GENERAL ALLEGATIONS

11. Plaintiff has worked for Defendants since the end of December 2012 and is currently employed.

12. Prior to the filing and/or service of the complaint in the Wage Theft Action, Plaintiff worked 6 days a week Tuesday through Sunday from open to close.
13. Plaintiff would work up to 59 hours per week.
14. On April 3, 2023 filed a complaint against Defendants for unpaid wages - Case No. 1:23-cv-00333.
15. Upon being served with the Complaint, Defendants reduced Plaintiff's work schedule from 59 hours to 49 hours per week.
16. This adverse employment action was due in direct response to Plaintiff's filing of the Wage Theft Action.

COUNT I
VIOLATION OF THE FAIR LABOR STANDARDS ACT, 29 U.S.C. §215(a)(3)
DEFENDANTS' UNLAWFUL RETALIATION

17. Plaintiff realleges and incorporates all previous paragraphs.
18. Defendants reduced Plaintiff's work schedule from 59 hours to 49 hours and took said action in retaliation for Plaintiff's filing of the Wage Theft Action.
19. Defendants' interference with Plaintiff's employment constitutes an adverse employment action and unlawful retaliation under the FLSA, 29 U.S.C. §215(a)(3).
20. Plaintiff has suffered and continues to suffer economic loss as well as emotional pain and suffering from Defendants' actions.
21. Plaintiff is entitled to back pay, lost wages, liquidated damages, compensatory damages, and punitive damages as well as attorney fees and costs.
22. Defendants knowingly, willfully, maliciously, intentionally, and without justification acted to deprive Plaintiff of his rights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

- A. The actions of the Defendants complained of herein be adjudicated, decreed, and declared a breach of their obligations under the FLSA;
- B. Defendants be ordered to pay Plaintiff all damages to which he is entitled to under the FLSA for their unlawful retaliation;
- C. Defendants be ordered to pay Plaintiff's costs and reasonable attorney fees pursuant to the FLSA; and
- D. The Court grants such other and further relief as the Court may deem just or equitable.

Dated: August 28, 2023

Respectfully Submitted,

/s/ Robert Anthony Alvarez
Robert Anthony Alvarez (P66954)
Attorney for Plaintiff
Avanti Law Group PLLC

REQUEST FOR TRIAL BY JURY

NOW COMES Plaintiff, by and through his attorney, and hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: August 28, 2023

Respectfully Submitted,

/s/ Robert Anthony Alvarez
Robert Anthony Alvarez (P66954)
Attorney for Plaintiff
Avanti Law Group PLLC